

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES LANHAM,)
)
 Plaintiff,)
)
 vs.) Case No. 4:06CV1179 HEA
)
 SANDBERG TRUCKING, INC.,)
)
 Defendant.)

ORDER

This matter is before the Court on Plaintiff's Motion to Compel Discovery Responses, [Doc. 35]. Defendant has filed a written response to the Motion. For the reasons set forth below, the Motion is denied.

Plaintiff argues that Defendant's responses to his Interrogatories and Request for Production of Documents are evasive and incomplete. On first impression, it appears that Plaintiff is correct. Defendant merely states that the individual answering the interrogatories "does not have personal knowledge" of the event regarding which the interrogatories are asked. At the time of its responses, David Williams, the individual who has personal knowledge, was employed by Defendant. In response to the motion, however, Defendant further explains that David Williams is no longer employed by defendant. Mr. Williams apparently is not cooperating with Defendant. Defendant has also advised the Court that it has supplied Plaintiff

with Mr. Williams' last known whereabouts. Plaintiff will therefore be required to take other steps necessary to secure the information requested from Defendant. Defendant cannot be required to answer questions to which it does not have personal information.

Defendant has advised the Court that it has sent the requested documents, therefore the motion with respect to production of documents is moot.

Based upon the foregoing, the Motion to Compel will be denied.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Compel Discovery Responses, [Doc. 35], is **DENIED**.

IT IS FURTHER ORDERED that the parties' requests for attorney's fees are **DENIED**.

Dated this 22nd day of August, 2008.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE